

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: BRADLEY M. KNEPPER SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202-5141		Date of mailing (day/month/year) 06 APR 2005	
Applicant's or agent's file reference 2730-114-PCT		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/US04/22818	International filing date (day/month/year) 15 July 2004 (15.07.2004)	Priority date (day/month/year) 05 August 2003 (05.08.2003)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): FO2B 51/00, FO2M 27/00, 37/04 and US Cl.: 123/576,179.16			
Applicant COLORADO STATE UNIVERSITY RESEARCH FOUNDATION			

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION


If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Yuen Henry Telephone No. (571) 272-4383
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Sheila H. Venev
Paralegal Specialist
Tech. Center 3700

**WRITTEN OPINION OF THE
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International application No.

PCT/US04/22818

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.5 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/22818

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-24</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-24</u>	NO
Industrial applicability (IA)	Claims <u>1-24</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-9, 11-18 lack novelty under PCT Article 33(2) as being anticipated by Plog et al. U.S. Patent No. 5,996,562. Plog et al. clearly shows the identical method and apparatus of drawing vapor from fuel tank to engine during startup. The details of transitioning from such a startup is not expressly disclosed.

Claims 10, and 19-24 lack an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the immediately preceding paragraph and further in view of Weber et al. US Patent No. 6,318,345. Therein it is shown how vapor injection during starting is transitioned back to fuel injection.

Claims 1-5, 7-10, and 18-24 lack novelty under PCT Article 33(2) as being anticipated by Weber et al. US Patent No. 6,318,345 therein disclosed is a vapor fuel start system without an external vacuum pump to supply vapor.

Claims 1-24 meet the criteria set out in PCT Article 33(4), as being an invention having industrial applicability because the subject matter claimed can be made or used in industry.

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PCT/US04/22818

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

The drawings are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 7 because: lines are not of proper weight leaders lettering and numbering is not consistent.